

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DAVID RIGSBEE and)	
IKUYO RIGSBEE,)	
)	
Petitioners,)	
)	
vs.)	CIV-06-638-L
)	
OKLAHOMA DEPARTMENT OF)	
HUMANS SERVICES,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Petitioners have filed with the Petition for a Writ of Habeas Corpus an Application to Proceed *In Forma Pauperis* and supporting affidavit. Having reviewed said application and affidavit, the undersigned finds that Petitioners have sufficient financial resources to pay the \$5.00 filing fee. Because they do not qualify for authorization to proceed without prepayment of the filing fee, Petitioners' application should be denied, and Petitioners should be required to pay the full filing fee for this action to proceed.

RECOMMENDATION

Based on the foregoing findings, it is recommended that the Application to Proceed

In Forma Pauperis (Doc. #2) be DENIED and the action be dismissed without prejudice unless Petitioners pay the full filing fee to the Clerk of the Court by July 3rd, 2006. Petitioners are advised of their right to file an objection to this Report and Recommendation with the Clerk of this Court by July 3rd, 2006, in accordance with 28 U.S.C. §636 and LCvR 72.1. Petitioners are further advised that failure to make timely objection to this Report and Recommendation waives their right to appellate review of both factual and legal issues contained herein. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 14th day of June, 2006.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE